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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARLOS GOMEZ, individually and on behalf of all
others similarly situated,

Plaintiff,

Case No. 10-cv-6412 (PAC)

-v-

GRAVITAS TECHNOLOGY, INC.,

Defendant.

**NOTICE OF PLAINTIFFS' MOTION FOR CERTIFICATION OF SETTLEMENT
CLASS, FINAL APPROVAL OF CLASS ACTION SETTLEMENT, AND
APPROVAL OF FLSA SETTLEMENT**

PLEASE TAKE NOTICE that for the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Certification of Settlement Class, Final Approval of Class Action Settlement, and Approval of FLSA Settlement ("Motion for Final Approval"),¹ the Declaration of Denise Rubin Glatter in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of Class Action Settlement, and Approval of the FLSA Settlement, dated September 11, 2012 ("Glatter Decl."), and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

- (1) certifying pursuant to FRCP 23(a) and (b)(3) for purposes of effectuating the settlement a class of the fifty-eight (58) individuals, listed in Exhibit C to the Declaration of Stacy Roe (Re Settlement Administration), who appear from the records available to the Parties following diligent discovery to be individuals who Defendant Gravitas Technology, Inc. ("Gravitas") employed in the positions of Network Engineers, Level I and Level II, as well as paid Interns, all of whom performed mostly incident management, commonly known as "troubleshooting", and other nonexempt functions who work or have worked for Gravitas beginning August 27, 2004 through December 31, 2010 and who were not paid overtime;

¹ While Plaintiffs submit this motion, the Settlement Agreement provides that the Parties agree to seek all of the relief requested in this motion. Ex. A § 9.

- (2) approving as fair, reasonable and adequate the class-wide settlement of this action, as set forth in the Settlement Agreement, attached as Exhibit A to the Glatter Declaration;
- (3) granting final approval of the FLSA settlement; and
- (4) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: September 11, 2012
New York, New York

Respectfully submitted,

THE OTTINGER FIRM, P.C.

By: /s/ Denise Rubin Glatter
Denise Rubin Glatter

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